

SUMMARY REPORT DIGEST
CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.
1067348

TYPE
INFO

DATE OF REPORT (Day-Mo.-Yr.)
16 MAY 14

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED, UNFOUNDED, NOT SUSTAINED**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **FIVE (5) DAYS SUSPENSION**. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: ☐ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY ☒ CHIEF,
BUREAU OF INTERNAL AFFAIRS

| | | | | | |
|----------------------------------------------|--------------|------------------|----------------------------|---------------------|---------------|
| FROM -INVESTIGATOR'S NAME UDING, Bryon S. | RANK Sgt. | STAR NO. 2162 | EMPLOYEE NO. [REDACTED] | UNIT ASSIGN. 011 | UNIT DETAILED |
|----------------------------------------------|--------------|------------------|----------------------------|---------------------|---------------|

REFERENCE NOS. (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)
R.D. Number - [REDACTED]

| | | |
|-----------------------------------------------------|------------------------------------------|--------------------------|
| ADDRESS OF INCIDENT 10 [REDACTED] N. Springfield | DATE OF INCIDENT -TIME 04 FEB 14 1515 | BEAT OF INCIDENT 1112 |
|-----------------------------------------------------|------------------------------------------|--------------------------|

| | | | | | | |
|---------|-------------------------|-------|----------|--------------|--------------|---------------|
| ACCUSED | NAME | RANK | STAR NO. | EMPLOYEE NO. | UNIT ASSIGN. | UNIT DETAILED |
| | 1. CUNNINGHAM, Aaron B. | P / O | 10758 | [REDACTED] | 011 | |
| | 2. LOHSE, William A. | P / O | 5260 | [REDACTED] | 011 | |
| | 3. GORDON, Matthew R. | P / O | 13935 | [REDACTED] | 011 | |

| | | | | | | | |
|---------|----------|---------------|---------------------|---------------------------------------------|-----------------------------------|-------------------------------------------|-----------------------------------|
| ACCUSED | SEX/RACE | D.O.B. | DATE OF APPOINTMENT | DUTY STATUS (TIME OF INCIDENT) | | SWORN / CIVILIAN | |
| | 1. M / 2 | [REDACTED] 67 | 29 JUN 98 | <input checked="" type="checkbox"/> ON DUTY | <input type="checkbox"/> OFF DUTY | <input checked="" type="checkbox"/> SWORN | <input type="checkbox"/> CIVILIAN |
| | 2. M / 6 | [REDACTED] 80 | 27 NOV 06 | <input checked="" type="checkbox"/> ON DUTY | <input type="checkbox"/> OFF DUTY | <input checked="" type="checkbox"/> SWORN | <input type="checkbox"/> CIVILIAN |
| | 3. M / 2 | [REDACTED] 70 | 09 JUL 07 | <input checked="" type="checkbox"/> ON DUTY | <input type="checkbox"/> OFF DUTY | <input checked="" type="checkbox"/> SWORN | <input type="checkbox"/> CIVILIAN |

| | | | | |
|---------|------------------------------------|---------|--------------|--------------------|
| ACCUSED | IF APPLIES, DATE ARRESTED/INDICTED | CHARGES | COURT BRANCH | DISPOSITION & DATE |
| | 1. | | | |
| | 2. | | | |
| | 3. | | | |

| | | | | | | | |
|-------------|------------|------------|------------|------------|------------|----------|--------------------|
| COMPLAINANT | NAME | ADDRESS** | CITY | STATE | TELEPHONE | SEX/RACE | D.O.B./AGE |
| | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | M / 4 | [REDACTED] 82 / 31 |

| | | | | | | | |
|---------|------------|------------|------------|------------|------------|----------|------------|
| VICTIMS | NAME | ADDRESS** | CITY | STATE | TELEPHONE | SEX/RACE | D.O.B./AGE |
| | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | |

| | | | | | | | |
|-----------|------------|------------|------------|------------|------------|----------|--------------------|
| WITNESSES | NAME | ADDRESS** | CITY | STATE | TELEPHONE | SEX/RACE | D.O.B./AGE |
| | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | M / 4 | [REDACTED] 90 / 23 |

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

The complaint asserts that on 04 February 2014 at approximately 1515 hours, at 10 [REDACTED] N. Springfield approximately 15 uniformed male officers, the majority of whom were white, entered and searched his apartment without a warrant, permission, or justification. The complainant [REDACTED] also alleged that the accused officers took the victim (himself) into custody without justification.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

A preliminary investigation was initiated by the undersigned, which determined that members of the Department responded to a 911 request for service. The dispatch read to the responding units was, "Caller observed a transaction involving a box of guns, male blacks and Hispanics, gave guy in a grey Pontiac money for the box...all went into 3 flat building...its a family building - all three floors (10 N. Springfield) (Attachment 12).

Review of the Event transcript indicates that the officers were dispatched to the location on the date and time set forth in the complaint, as recorded on the Face Sheet (Attachment 13). Investigation of dispatch records and department reports confirmed the presence of six uniformed police officers and one civilian dressed member for a total of seven police officers on scene (Attachments 13, 14, 15 and 17). The seven Department members were identified and attached to the complaint (Attachment 15).

It was further determined that an Original Case Incident Report generated on the date in question under R.D. Number [REDACTED] with the time and location corresponding to those cited by the complainant [REDACTED] and listed on the Face Sheet existed (Attachment 14). It was determined that a Contact Card was completed by a unit on scene, documenting interaction with the complainant [REDACTED], which also correspond to the date, time and location listed on the Face Sheet (Attachment 17). Review of the Original Case Incident Report indicates no arrests were made at the scene relative to the officers' investigation. In addition, it was determined that the complainant, [REDACTED] had a Chicago I.R. Number of [REDACTED]. Review of [REDACTED] Criminal History Report shows no arrest made on 04 February 2014, the date of the alleged incident (Attachment 20).

The Original Case Incident Report documents the nature of the call for service, [REDACTED], the recovery of narcotics in plain view including 30 grams of cannabis and 52 individual packages of black tar heroin, plus the recovery of a sawed-off ankle monitoring system.

At this juncture it is clear that the officers had a duty to continue into the common areas of the building, to protect innocent occupants of that building, in search of a subject who had removed his monitoring system and might be armed with the weapons from the original dispatch. Although the summary provided in the report is unclear how entry into the [REDACTED] was made, it is reasonable to assume that officers engaged in a systematic check of the well being of the apartments' lawful occupants to ensure no one was being held against their will. It can be inferred that since the complainant, [REDACTED], made no outcry about force being used to enter his apartment or his door being broken, he opened his apartment door to the officers. It is documented that the person who removed his monitoring system, was on parole and was discovered within the [REDACTED] apartment of the complainant [REDACTED].

The undersigned investigator attempted telephonic contact with the complainant, [REDACTED] at the telephone number he provided to the IPRA call taker and recorded on the Face Sheet. This number was claimed as belonging to a third party (Attachment 16). The undersigned further attempted to initiate contact by sending the complainant [REDACTED] a letter requesting contact via the U.S. Postal Service Certified Mail. The Certified Mail article was returned marked, "Return to Sender, UNCLAIMED, Unable to Forward." (Attachments 18, 21 and 22).

ATTACHMENTS

INVESTIGATIVE REPORTS-SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:

1

INVESTIGATIVE REPORTS-SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:

12, 13, 14, 17, 20 and 23

PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:

-

TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:

24

FINDINGS - RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days).

FINDINGS AND RECOMMENDATIONS REGARDING ALL ACCUSED MEMBERS:

Per Special Order 08-01 (its included Addendum), based upon three sets of criteria including: a thorough investigation of an unsupported allegation of the accused officers acting "without justification"; the Department's documentation of proper actions and fair treatment (Attachment 23); and, the failure of the complainant to participate in the disciplinary investigation, as highlighted above and supported by the reports submitted, herein, the investigation has been concluded with the following determination:

Allegation: That on 04 February 2014 at approximately 1515 hours, at 10 N. Springfield approximately 15 uniformed male officers, the majority of whom were white, entered and searched his apartment without a warrant, permission, or justification. The complainant [REDACTED] also alleged that the accused officers took the victim (himself) into custody without justification.

Violation: Rule 1 - Violation of any law or ordinance, as the law requires standards of reasonable suspicion and probable cause prior to taking certain actions, which the complainant asserts were absent.

Finding: No Affidavit / No Conversion

Recommendation: Information - Closed No Conversion / All Accused Police Officers

DATE INITIATED (Date complaint was received for investigation)

16 MAR 14

DATE COMPLETED (Date of this report)

16 MAY 14

ELAPSED TIME (Total time expressed in days)

60

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WH

SUMMARY REPORT DIGEST – Continuation Sheet

Complaint Log Number 1067348

Type: INFO

Date: 16 MAY 14

Additional Accused Chicago Police Officer(s) Listing:

Accused #4

ROSZKOWSKI, Greg Police Officer Star # 14740 Emp. # [REDACTED] Unit # 044

\ Unit of Detail #011

M / 2 DOB: [REDACTED] 85 DOA: 05 OCT 12 On Duty & Sworn

Accused #5

BARRERA, Pedro Police Officer Star #16188 Emp. # [REDACTED] Unit# 011

\ M / 4 DOB: [REDACTED] 78 DOA: 03 JAN 05 On Duty & Sworn

Accused #6

MAKSUD, Chris T. Police Officer Star #16877 Emp. # [REDACTED] Unit# 019

\ Unit of Detail #213

M / 2 DOB: [REDACTED] 72 DOA: 10 JUL 95 On Duty & Sworn

Accused #7

\ ZYGOWICZ, Peter J. Police Officer Star #12477 Emp. # [REDACTED] Unit# 019

M / 2 DOB: [REDACTED] 70 DOA: 01 APR 99 On Duty & Sworn

Complaint Register List of Attachments – Log Number 1067348

ATTACHMENT

DESCRIPTION

| | |
|--------|---------------------------------------------------------------------------------------------------------------------|
| i | List of Attachments |
| 1 | Complaint Against Department Member – Complaint Register Face Sheet |
| 2 | UNEXECUTED Sworn Affidavit for Complaint Log Investigation |
| 3 | Notification: Automated Complaint (CPD-44.217) – UDING |
| 4 | Notification: Automated Complaint (CPD-44.217) – CUNNINGHAM |
| 5 | Notification: Automated Complaint (CPD-44.217) – LOHSE |
| 6 | Notification: Automated Complaint (CPD-44.217) – GORDON |
| 7 | Notification: Automated Complaint (CPD-44.217) – ROSZKOWSKI |
| 8 | Notification: Automated Complaint (CPD-44.217) – BARRERA |
| 9 | Notification: Automated Complaint (CPD-44.217) – MAKSDUD |
| 10 | Notification: Automated Complaint (CPD-44.217) – ZYGOWICZ |
| 11 | Assignment Report |
| 12/12A | Preliminary Investigation – Part 1 – Service Call Search Support Documentation – CLEAR Data Warehouse Table |
| 13/13A | Preliminary Investigation – Part 2 – Event Query Support Documentation – Event Number [REDACTED] Transcript |
| 14/14A | Preliminary Investigation – Part 3 – Original Case Incident Report Support Documentation – Report [REDACTED] |
| 15 | Preliminary Investigation – Part 4 – Identity of Accused Officers |
| 16 | Complainant Contact – Part 1 – [REDACTED] by Telephone |
| 17/17A | Preliminary Investigation – Part 5 – Contact Card Submissions |
| 18/18A | Complainant Contact – Part 2 – [REDACTED] by Certified Mail Support Documentation – Mailroom Copies |
| 19 | Complainant Contact – Part 3 – Delay In Contact |
| 20/20A | Preliminary Investigation – Part 6 – Criminal History [REDACTED] Support Documentation – Criminal History Report |
| 21/21A | Complainant Contact – Part 4 – Certified Mail Posting Support Documentation – Original Certified Mail Receipt |
| 22/22A | Complainant Contact – Part 5 – Certified Mail Return Support Documentation – Original Certified Mail Article |
| 23 | Investigative Summary Report – Closing Report |
| 24 | Request For Time Extension (CPD-44.114) |